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United States Government

Department of Energy

Rocky Flats Office

Memorandum

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JUN 15 1992

ERD:BKT:6624

Closure of 10CFR Part 1022 Process for Wetlands/Floodplains

J. M. Kersh, Associate General Manager
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EG&G Rocky Flats, Inc.

This memorandum is a follow-up to DOE/RFO memorandum ERD:PMP:5480, dated May 15, 1992, to EG&G regarding closure of the 10CFR Part 1022 process for wetlands/floodplains. It should be noted that both wetlands and floodplains provide potentially suitable habitat for *Spiranthes diluvialis* (Ute Ladies' Tresses) which is listed as threatened under the Endangered Species Act. In addition, these areas provide suitable habitat for migratory birds. Therefore, although compliance with 10CFR Part 1022 may be completed at a project, EG&G needs to be sure that consultation requirements of the Endangered Species Act, Migratory Bird Treaty Act and Fish and Wildlife Coordination Act have also been completed prior to initiating construction activities, etc. Furthermore, if a species listed or proposed for listing as either threatened or endangered may be impacted by the project, a biological assessment must be conducted as outlined in 50CFR Part 402.12 before a contract is entered into and before construction is begun.

We also request that in the future all consultation requirements of the Endangered Species Act, Migratory Bird Treaty Act and Fish and Wildlife Coordination Act be conducted concurrently and integrated with the appropriate NEPA documentation. This is consistent with 40 CFR Part 1502.25 (CEQ regulations), 50CFR Part 402.06 (Endangered Species Act regulations), and Section 662(b) of the Fish and Wildlife Coordination Act. Examples of RFP NEPA documentation where this was not performed include the IM/IRA/EAs for OU 2, EA for the IM/IRA at OU 1, Solar Evaporation Pond EA, New Sanitary Landfill EA and the Standley Lake Diversion Project EA.

With regard to the installation of sediment samplers discussed in DOE/RFO's May 15, 1992 memorandum, all applicable statutes and regulations must be complied with prior to initiating construction.

James K. Hartman

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for Environmental Management

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ERD:BKT:6624

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